

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Nov 21, 2023**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF WASHINGTON**

CARISSA B.,<sup>1</sup>

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:23-cv-03103-RHW

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 9, 11**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 11, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorneys David Burdett and Matthew Pile represent Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

1. The parties' Stipulated Motion for Remand, **ECF No. 11**, is **GRANTED**.
2. The above-captioned case be **REVERSED** and **REMANDED** to the

---

<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 Commissioner of Social Security for further administrative proceeding pursuant to  
2 sentence four of 42 U.S.C. § 405(g).

3 The parties have stipulated to the following instructions. On remand, the  
4 Appeals Council will instruct the ALJ to:

- 5 • Re-evaluate the medical opinion evidence;
- 6 • Re-evaluate the lay opinion evidence;
- 7 • Re-evaluate Plaintiff's maximum residual functional capacity;
- 8 • Obtain supplemental vocational expert testimony to clarify the effect  
9 of the assessed limitations on Plaintiff's ability to perform other work  
10 in the national economy;
- 11 • Offer Plaintiff the opportunity for a new hearing;
- 12 • Take any further action needed to complete the administrative record;  
13 and
- 14 • Issue a new decision.

15 *See* ECF No. 11 at 1-2.

16 3. Judgment shall be entered for **PLAINTIFF**.

17 4. Plaintiff's Motion for Summary Judgment (**ECF No. 9**) is **STRICKEN**  
18 **AS MOOT**.

19 5. Upon proper presentation, this Court consider Plaintiff's application for  
20 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

1 The District Court Executive is directed to enter this Order, **enter Judgment**  
2 **in favor of Plaintiff**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED November 21, 2023.

4 s/Robert H. Whaley  
5 ROBERT H. WHALEY  
6 Senior United States District Judge  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20